

**Minutes of the  
The Florida Board of Professional Engineers  
October 17 & 18, 2007, 8:30 a.m.  
West Palm Beach, Florida  
Part I**

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag.
- #2. Roll Call, Determination of Quorum, and Address Absences.
  - a. Vote on Dr. Bauer's absence from the September 21, 2007 conference call.

Upon a motion by Mr. Burke seconded by Mr. Rose, the absence of Dr. Bauer from the September conference call was unexcused.

Board members present:

Henn Rebane, P.E.  
John Burke, P.E.  
Paul Tomasino, P.E.  
Albert Rose, P.E.  
Christian Bauer, Ph.D., P.E.  
Zafar Hyder, Ph.D., P.E.

Board members absent:

David Charland, P.E.

Upon a motion by Mr. Rebane seconded by Mr. Rose, Mr. Charland's absence was excused.

FBPE Staff present:

Carrie Flynn, Executive Director  
Patrick Creehan, FEMC Vice President  
Marvin Vickers, FEMC Comptroller  
Leigh Ann Dollar, Executive Assistant

Michael Flury, Esquire, Counsel to the Board

Others present:

Michael Kovacs  
Anthony Scala, P.E.

Barry Wolk, P.E.  
Emil Vekensfeld, P.E.  
Charlie Geer, P.E., FES/FICE  
Chris LaRue

- #3. Introduction of guests and announcements as to presentations at a time certain.

**10:30 a.m. – Dr. Robert O’Neill, FGCU Accreditation**

Dr. O’Neill provided a power point presentation regarding the Florida Gulf Coast University. Dr. O’Neill was requesting the board’s approval of the students graduating in 2009 and 2010 to be approved for the Fundamentals Examination as they would be in their senior year. He asked if this would be acceptable and suggested the Board hold the Wall Certificate until the students present final transcripts and the University is granted ABET accreditation.

Ms. Flynn advised the Board of previous similar requests to which the Board denied access to the examination until the program was accredited by EAC/ABET. She also advised the Board of their policy a number of years ago not to grant interim accreditation. Several members did not believe the issue was identical as they would just be approving the students and not the program.

Upon a motion by Dr. Bauer seconded by Mr. Rose, students at FCGU would be allowed to apply and sit for the 2009-2010 FE examination. Certificates would be held until notification of ABET accreditation and final transcripts filed by the students.

In discussion, Mr. Flury explained a lack of authority to approve the students and the only provision for accomplishing this would be a Petition for Variance and Waiver. Dr. Bauer deferred his motion until the December board meeting.

In the December meeting the Board will consider Mr. Flury’s recommendation and make a final decision on the matter. Mr. Flury was directed to work with Dr. O’Neill regarding filing a Petition for Variance and Waiver or developing an alternative method of accomplishing the approval.

Mr. Rebane requested staff to research the possibility of determining additional programs that may be seeking EAC/ABET accreditation. The Board should develop a plan for approving students in similar situation.

### **Michael Kovacs – Structural Engineering Courses**

Mr. Kovacs outlined his experience in engineering. He currently works for Structures International. Mr. Kovacs has failed the exam three times and was before the Board to discuss the problems of locating courses available for completing the required 12 hours of engineering courses related to structural engineering. He is requesting as an alternative to satisfy the 12 hours through completion of an examination preparation course. His alternative suggestion is recognition of an examination review course.

Mr. Flury advised Mr. Kovacs of the Board's rule defining the 12 hours of engineering courses. The only avenue to seek relief from required rule is to file a Petition for Variance and Waiver.

Dr. Bauer explained the difference between a review course and college courses and said they are not equivalent. A review course is a means of instruction on how to complete an examination.

Mr. Rebane did not support any deviation from the present rules. He further advised Mr. Kovacs to be very cautious as to use of any titles that may imply licensure until such time as he is licensed.

The Board advised Mr. Kovacs of the need to approach this requirement in a positive manner. With three failed attempts there is reason to believe that additional college courses are needed to prepare him for passing a future examination. He should research for civil courses if he cannot specifically find structural courses. He should be familiar with his area of weaknesses.

### **Emil Veksenfeld, P.E. – Provisions of the Florida Administrative Code**

Mr. Veksenfeld outlined his background as a Professional Engineer. He outlined the basis for having filed a complaint against a Professional Engineer based on work associated with rebuilding balconies of the condominium in which he resides. Because of the outcome of the complaint, Mr. Veksenfeld is filing for rulemaking on establishing threshold inspection requirement on existing buildings. He has been unsuccessful in getting any positive movement by the FBPE, the Department of Community Affairs and/or Building Departments. He also expressed concerns with the complaint process and investigative procedures in place for FEMC.

Mr. Rebane advised that some complaints have taken two years to completely move through the legal process. He agreed that two years is too long. However, Mr. Rebane did not see a need to change the laws and rules. If there is a situation of immediate danger to the public, the Board

will make the necessary decision and take the necessary actions against any professional engineer found to violate the laws and rules. Mr. Rebane directed Mr. Creehan to provide information as to what is needed when filing a complaint against an engineer. This should assist in moving the process along when the complaint is filed. Mr. Rebane further clarified the Board being unable to declare buildings that are considered subject to threshold under Chapter 553, F.S.

Ms. Flynn advised that there was some discussion on the need to update the responsibility rules for structural engineering. Mr. Rebane confirmed that Mr. Charland will be chairing a task force to study the need for updating the structural and special inspector rules.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the Board voted to deny Mr. Veksensfeld's petition to initiate rule making for FEMC's investigative process and grant his petition for rule making on Rules 61G15-31 - Structural and 61G15-35 – Threshold Building Inspection.

Mr. Rebane asked that Mr. Creehan meet with Mr. Veksensfeld and explain exactly what is required when filing a complaint and what parameters apply when filing a complaint. If he is not satisfied, he may contact the Chair or the Executive Director.

Mr. Rebane advised Mr. Veksensfeld that the detail of the changes of the rules will be available for review once they are noticed for rule development. Mr. Veksensfeld may submit comments to the committee.

#### **Steve Walsh, P.E., Boca Raton**

Mr. Walsh called attention to two questions contained in the Study Guide. Question #40 has no correct answer and the answer to question #44 should be revised. He had previously notified the Board and had not received a response. The Board thanked Mr. Walsh for calling this matter to their attention. Staff was directed to research and correct the questions and answers and advise Mr. Walsh accordingly.

In discussion of how laws and rules are available for review, it was confirmed that Mr. Walsh should be able to review the laws and rules from the Board's web site.

#### **#4. Approval of the Agenda**

Ms. Flynn added to the Executive Director's report E#18 Certification of FEMC for the year of 2007.

Mr. Burke added K1 under New Business to discuss an issue brought to his attention by the Chair of the Surveyors Board (Digital Geographic Data).

The agenda was approved as amended.

- #5. Approval of the Consent Agenda  
(Items denoted with an asterisk are included in the Consent Agenda\*)

Mr. Burke pulled the August Board minutes. A6a.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board approved the consent agenda.

- #6. Review and Approval of previous Board meeting minutes

- a. Minutes from the August 1 & 2, 2007 Board Meeting\*

Mr. Burke had the following changes:

On page two of the August minutes staff should correct the last paragraph as the civil and structural are not part of the present rule development.

Mr. Burke explained the need for issuing a revised letter to Charles Meister. There are two issues. One issue deals with practice beyond area of competency. This arose in a disciplinary case where a civil engineer signed and sealed as part of the overall design package standard details that contained electrical design. The second issue is one relating to the use of standard details and the requirement of some building departments and state agencies requiring the Engineer of Record to adopt the standard details as part of the overall design package and sign and seal as part of the permitting package. The letter to Mr. Meister outlined the procedures to be followed in the adoption rule and expressed the Board's opinion that it is not a violation of the rules to sign and seal the standard detail as part of the design package.

In subsequent discussion it was determined to issue a revised letter stating that engineers following the adoption process and incorporating standard details as part of the overall design package would not be in violation of the Board's rule if they are competent to perform the area of engineering involved in the standard details.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the minutes were approved with noted corrections.

- b. Minutes from the September 21<sup>st</sup>, 2007 Conference Call

Upon a motion by Mr. Tomasino seconded by Mr. Rose, the minutes were approved as presented.

B. Committee Reports

- #1. Applications Committee (**Next meeting 11-14-07**)  
(John Burke, P.E., Chair; David Charland, P.E.; Henn Rebane, P.E.; Albert Rose, P.E.; , Zafar Hyder, Ph.D., P.E.) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

Mr. Burke confirmed attendance of all Board members, with the exception of Mr. Rebane. Ms. Flynn advised the Board of three files to review after the meeting is recessed.

- #2. Educational Advisory Committee (**Next meeting 11-14-07**)  
(Christian Bauer, Ph.D., P.E., Chair; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant))

Dr. Bauer discussed the meeting with Eva Adán, Director from CPEES, and he agreed with the content of her memorandum.

Dr. Bauer reported on a candidate who had contacted him regarding the application process for the FE exam. He will forward the comments to Ms. Flynn. The candidate did not feel comfortable with the application process. Dr. Bauer offered to work with staff on drafting an article that would be placed on the website and summarizes the benefits of examination, where the applications are located.

Mr. Rebane asked for comments on the memorandum from Ms. Adán outlining her understanding of how the evaluations are to be completed. Mr. Rebane requested Mr. Flury to review the memorandum and compare it to Rule 61G15-20.007, F.A.C. If Mr. Flury determines the need for any correction, Ms. Adán should be advised so that she may make the necessary corrections. Mr. Rebane suggested this information be provided to Josef Silny so that both evaluators will have identical information on which to base evaluations.

Dr. Bauer reaffirmed the Board's determination to follow EAC/ABET criteria in place prior to 2000. Mr. Rebane asked for an update on Dr. Anderson's offer to review EAC/ABET requirements prior to 2000 for comparison to present requirements. Mr. Burke confirmed Dr. Anderson's support of the Board's position to follow EAC/ABET 2000.

Ms. Flynn inquired of the Board an opinion on seeking an additional evaluator. Mr. Silny is the only source for non-EAC/ABET degrees and

articulation of non-engineering degrees at the baccalaureate level with postgraduate degree in engineering. The Board declined to address this matter until the work-load merits an additional service.

Staff was advised to make sure of proper notation on the web site regarding the education evaluators and the types of degrees each service evaluates.

- #3. Probable Cause Panel (**Next meeting 11-15-07**)  
(Henn Rebane, P.E., Chair; Allen Seckinger, P.E., Consultant) (Alternate: John Burke, P.E.)

a. Committee Chair's Report.

- #4. FBPE Rules Committee  
(John Burke, P.E., Chair; Henn Rebane, P.E.; David Charland, P.E., Paul Tomasino, P.E.)

a. Minutes from the September 11, 2007 Meeting.

Mr. Burke discussed the steps involved in finalizing the present proposed rules before the Board for rule development. Mr. Burke expressed hope that FES will aggressively notice their membership once the new rules are in place. He advised the Board of the Rules Committee's intent to have consistency on the lead in language for each area of the responsibility rules. If the Board is in agreement, Mr. Flury will begin rule development.

Mr. Flury stated that he was continuing to work on the Continuing Education rules re-write. He is checking to determine if the Board has authority to rewrite the rules in accordance with Mr. Rebane's proposal. If research confirms authority, Mr. Rebane would like to implement the rules at the earliest possible date.

Mr. Flury confirmed the option for anyone to file for a hearing once rule development begins.

Mr. Geer will work with Board staff on getting this information in the FES newsletter once the rules are ready for publication.

Mr. Tomasino confirmed by adopting the minutes that the process could move forward for all of the referenced rules. To make the action official the following action was taken.

Upon a motion by Mr. Tomasino seconded by Mr. Burke the minutes of the Rules Committee meeting of September 11, 2007 were approved.

b. Revisions to rules following the Rules Committee Meeting:

1. Revisions to Rule 61G15-23.002, FAC – Seal, Signatures and Date Shall Be Affixed

Upon a motion by Mr. Tomasino seconded by Dr. Bauer the revisions were approved.

2. Revisions to Rule 61G15-22.0105, FAC - Approval of Continuing Education Courses in Laws and Rules

Upon a motion by Mr. Tomasino seconded by Dr. Bauer the revisions were approved.

3. Revisions to Rule 61G15-32.001, FAC – General Responsibility and 61G15-34.001 - General Responsibility

Upon a motion by Mr. Tomasino seconded by Mr. Burke the revisions were approved.

4. John Rimes’ revisions to Rule 61G15-32.001, FAC – General Responsibility and 61G15-32.002 – Definitions

Upon a motion by Mr. Tomasino seconded by Dr. Bauer the revisions were approved.

5. John Rimes’ revisions to Rule 61G15-33.001, FAC – General Responsibility and 61G5-33.002 – Definitions

Upon a motion by Mr. Tomasino seconded by Mr. Burke the revisions were approved.

6. John Rimes’ revisions to Rules 61G15-34.001, FAC – General Responsibility and 61G15-34.002 – Definitions

Upon a motion by Mr. Tomasino seconded by Mr. Burke the revisions were approved.

Mr. Geer requested that staff notify him when the rules are ready for publication.

- #5. FBPE Legislative Committee  
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.)

Mr. Geer advised the Board of the need to provide any legislative issues for the upcoming session for consideration in November or December.

FES will have to consider the 2008 legislative package in the very near future. Ms. Flynn will provide information to Mr. Tomasino and Mr. Geer.

#6. Joint Engineer/Architect Committee  
(John Burke, P.E., Chair; Zafar Hyder, Ph.D., P.E.)

a. No Reports.

#7. Standard Detail Drawings Task Force  
(John Burke, P.E., Chair; Paul Tomasino, P.E., Zafar Hyder, Ph.D., P.E.)

a. Revised letter to Charles Meister, P.E., F.ASCE, Chairman, Ethical Practices Coordinating Committee, Florida Engineering Society\*

The revised letter to Mr. Meister was on the consent agenda.

Mr. Geer suggested the Board notify Mr. Meister, P.E. regarding appointment of a task force to work with FES on the issue of standard details. The letter issued to Mr. Meister has created a number of reactions from the FES membership. Mr. Geer confirmed FES appointment of Chuck Meister, P.E., City Engineer in Destin, and Wilson Lorenz, P.E., of the IBI Group.

Mr. Rebane asked for an update on the committee assigned to review the need for structural and threshold inspections responsibility rules.

Mr. Charland was not present and the names of the individuals to assist with rules review are unknown. Further discussion will occur in the December board meeting.

Mr. Geer confirmed that FES would be happy to work with the committee on rewrite of these rules.

#8. NCEES  
(John Burke, P.E., FBPE Liaison)

a. Annual Meeting in Philadelphia

Mr. Burke discussed the agenda from the NCEES Annual meeting in Philadelphia. The highlight of the meeting was Mr. Rebane's election as President-Elect of the NCEES. In the annual meeting it was announced that Jerry Carter would be the Executive Director of NCEES. There was discussion on the software used for exams and candidates that were caught cheating by using a pen to transmit the test questions outside of the room.

The biggest issue discussed was the bachelor plus 30 hours. Many states support advanced education, they just have concerns with content of

course work. There are many differences of opinions and many states are still not sure of the need as there has been no change in the pass rate on examinations. Mr. Burke reminded the Board of the original vote by this Board to not support the advanced education.

Florida will have to determine the need for legislative revision to pursue this as a requirement under Chapter 471, F.S.

Mr. Geer advised that FES has a position paper on this subject matter and he confirmed a split decision when a vote was called in the meetings held to discuss the matter.

Mr. Burke confirmed no changes in calculators, and that computer-based testing is being researched. A motion to nominate the President Elect from the body at large was defeated. The Structural exam will be combined into one 16 hour exam. They will do away with Structural I designation. The NCEES examination committee is continuously reviewing the exam content to maintain consistency and to ensure academic rather than totally practical experience questions for the Principles and Practice examination. A move to provide an exemption of licensure by engineers providing engineering testimony failed. It is a consensus that if offering expert opinion it is considered the practice of engineering. A motion to establish a Washington, DC office was voted down. NCEES donated \$250,000 to Engineering-week programs. A motion to establish a position statement on Record Drawings passed. The Southern Zone meeting in 2008 will be in Puerto Rico.

Discussion of FEMC being designated as an associate member cannot proceed at this time. NCEES is reviewing the matter and further developments will be shared in the future.

D. Advisory Attorney's Report

- #1. Revisions to Rule 61G15-20.001, F.A.C. and Rule 61G15-20.007, F.A.C.
- #2. Response letter to Marjorie Holladay, Senior Attorney, JAPC regarding Rule 61G15-31.003, .004, .005, .006, .007 and .009, F.A.C.

Mr. Flury has not received a response from his letter citing the Board's authority to establish requirements in the Responsibility Rules.

Mr. Flury indicated the progress of the rule requirement a "c" grade or higher on engineering courses taken after failing the examination three times is still pending.

- #3. Response letter to Marjorie Holladay, Senior Attorney, JAPC regarding Rule 61G15-20.006, F.A.C.

For informational purposes only

- #4. Board Counsel Opinion Letters
  - a. None.
- E. Executive Director's Report
  - #1. List of Applicants Requesting Retired Status\*

Approved under the Consent Agenda

The applications were copied to confirm for the record they will be placed in retired status.
  - #2. NCEES Nominations for National Awards\*

The Board has no candidates at this time.

The Chair confirmed no nominations this year. He asked the Executive Director be prepared to make recommendation next year under the new guidelines that would require participation in the NCEES in order to be considered for nomination.
  - #3. Quarterly Report\*

The quarterly report is being updated to be up to date with the new requirements of the Contract. We will have the format updated by the next quarter. All future statistics will have supporting backup reports.
  - #4. NCEES Zone Update\*

Approved under the Consent Agenda
  - #5. Emeritus Status for Robert Matthews, P.E. and Katherine Hogenkamp, P.E.

Upon a motion by Dr. Bauer seconded by Mr. Burke the Florida Board of Professional Engineers will submit the names of Robert Matthews, PE and Kathy Hogenkamp, PE for Emeritus status with NCEES.
  - #6. Future requirements for Emeritus status

Mr. Flury advised that former Board members can serve on Board Committees. Other boards have "councils" that are comprised of past board members and non members of the board. It is to handle large workloads within the profession. Mr. Burke would like to pursue this issue. Ms. Flynn will research this issue and report back at the December

meeting. Mr. Rebane advised that we might use past Board member in conducting future Board member training.

Mr. Burke advised that Mr. Kuhl would like to serve another term on the FEMC board. Mr. Burke asked Mr. Geer if FES has any names for nominations to serve on the FEMC Board.

Mr. Geer did not have any names presently and he asked that staff provide a list of the FEMC Board members and their terms.

Ms. Flynn advised the Board of discussion with Mr. Rebane the possibility of adopting a rule that would address requirement of Board members to participate in NCEES Southern Zone and Annual Meetings.

Staff discussed the matter and it was determined the matter could not be addressed in the Administrative Rules as it is not associated to Board membership. Reacting to this determination, Ms. Flynn had drafted an introductory letter to be included in the Board member training manual.

#7. Redacting social security numbers on all applications for future Green Book materials\*

One of our CE providers sent out some information with a PE's name and social security number included in the publication. Ms. Flynn confirmed the immediate action by the provider to redact Social Security numbers from their publication and Ms. Flynn confirmed future staff action to redact social security numbers from the books containing Informal Hearing on application denials.

Mr. Flury clarified, for the record, that should a social security number appear in the Board agenda books it is not a problem. The problem arises from distribution to the public. In this case a public records request was completed and the record contained Social Security numbers.

#8. Proposed revisions to Rule 61G15-22.001, F.A.C.

Ms. Flynn explained the provision under Chapter 455, F.S that allows a licensee to change from active status to inactive status. If the licensee decides to return from inactive status to active status within one year of attaining inactive status there was no provision for assessing continuing education. Several licensees elected the change in status within the first year of the inactive status being granted. To have these licensees meet the same requirements of licensees renewing active status, the Board should implement a rule requiring payment of the reactivation fee and complete eight hours of continuing education.

Upon a motion by Mr. Tomasino seconded by Mr. Rose the Board approved this rule for rule development.

#9. Analysis of Request for Examination Observation Checklist

This issue continues to show up in the FEMC annual audit. FEMC has developed an examination record book that contains all lists of approved candidates, a list of pass/fail scores for those who sit for the examination guidelines for administering the examination, proctor training manuals, and a signed statement by ELSEES that all examination security procedures were followed in the examination administration. The auditors recognized this part of the process in the 2007 audit; they still, however, want staff and/or board members to have a checklist to complete when attending as an observer.

Ms. Flynn presented a draft check list for Board comment.

Mr. Rebane recommended a space for indicating the date and time of arrival. Observations would begin one half hour before exam and end two hours after the exam starts. Questions #2 would be deleted and #8 would be reworded and inclusion of a commentary statement at the bottom of the check list.

Future examinations would be reviewed for staff to serve as support to Board member observation.

#10. Memorandum from Eva Adán, Director, CPEES

This was covered under Dr. Bauer's report.

#11. Memorandum from NCEES dated October 2, 2007 regarding CPEES\*

Approved under the Consent Agenda.

#12. Email from Patricia Harper re: Engineering Ethics Study by Correspondence and Online\*

Ms. Flynn noted the long-time use of this course for the ethics requirement in disciplinary cases.

Mr. Rebane noted that the program now offers several options for coursework. He asked Mr. Creehan to review each course offered by Texas Tech and report to the Board in December a need for specifying in disciplinary cases specific components of the ethics courses.

#13. Calendar of meetings for 2008

The Board can review the proposed calendar and a final decision will be made in the December board meeting.

- #14. Proclamation for 100 years of engineering\*

Approved under the Consent Agenda.

- #15. Requiring response from the last board meeting

Philip J. Kelly, P.E., Stellar – dated September 4, 2007\*

Approved under the Consent Agenda.

Staff will send a follow up letter to Mr. Kelly calling attention to the proposed revisions in the Signing and Sealing rule. The name has to be typed with the rule revision.

- #16. NCEES named Accredited Standards Developer\*

Approved under the Consent Agenda.

- #17. FEMC/FBPE Christmas Party

The Board agreed on \$200.00 per member for the 2007 Christmas Party.

- #18. FEMC Certification for 2007

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Florida Board of Professional Engineers voted to approve the 2007 certification of FEMC as being compliance with the contract between FEMC and DBPR.

Ms. Flynn gave an update on the website. FEMC is taking steps to make the website more user friendly. As part of the redesign, Ms. Flynn will be creating a staff website team to work with the selected vendor for redesigning the web site. Ms. Flynn confirmed the ongoing plan for outsourcing the server maintenance and negotiations with a vendor that provides service to FES.

- #19. Discussion of Annual Christmas Party

After discussion it was determined each Board member would make an increased contribution toward the Staff Christmas Party. The party is held on December 4, 2007 following the FEMC Board meeting. Mr. Rebane encouraged all Board members to attend the FMEC meeting.

F. FEMC Comptroller

- #1. FEMC Financial and Compliance Audit ending June 30, 2007

Mr. Vickers advised the Board of a successful audit for 2007. There was one item that does require action. There is a new accounting standard that became effective December 2006. Carroll and Company audits FEMC's financial statement and under the new law they cannot prepare the financial statement. It is not uncommon with small corporations such as FEMC to have to consider corrective action on this new requirement. Carroll and Company are going to recommend names of companies that might be able to provide the service to FEMC.

Upon a motion by Mr. Tomasino seconded by Mr. Burke, the FBPE Board accepted the audit performed for 2007 and would look to receive follow up from the FEMC Board regarding corrective plans for resolving noted deficiencies.

#2. Expenditure Report as of June 30, 2007

Mr. Vickers briefed the Board on the report confirming the unexpended funds as of June 30, 2007. After closing of the fiscal year FEMC would be returning \$44,926 to the trust fund. One change affecting the amount left over for the fiscal years is due to the requirement of the Department to deposit all monies collected for copy costs. Mr. Vickers gave a brief description on how he establishes the line item allocation in the budget.

#3. 5-year Projected Revenue and Expenses

The Board reviewed the proposal from Mr. Vickers and suggested the report be designed with further details of expenses and income based on several possible fee reductions.

Mr. Vickers and Ms. Flynn will discuss with the Department the possibility of fees collected in the disciplinary process being deposited directly to the general revenue. Mr. Vickers will report on this at the December board meeting.

G. Chief Prosecutor's Report

#1. Non-Compliance Report

Informational purposes only.

#2. August Open Case Report

Mr. Creehan reported that one year ago legal had 415 total cases. As of this date there are 209 total cases. The report confirms 152 year-old cases for 2006 and 94 for 2007. In 2004-2005 there were 109 cases and today there are six. The goal for the end of the year is to have 150 cases with 30 of those cases in one-year status.

Mr. Creehan confirmed the resignation of Mr. Paul Siddall, Investigator, in Tampa and he confirmed he would have a case reduction report in the December meeting.

#3. PCP Protocols

There was a technical issue with the last Probable Cause meeting. These protocols will help with any future problems.

H. Chair's Report

#1. Question and response to Ms. Minabe of T Y Lin International regarding 471.031(1) (b) 1, Engineering Titles

Mr. Rebane directed staff to place this question and proposed answer on the website under frequently asked questions. Mr. Burke expressed concerns with the response as he believed engineers working in a firm should not be allowed to use protected titles. Mr. Burke agreed with the interpretation that you can be called an "Engineer". However, use of this word in conjunction with other words such "Electrical" poses a problem.

Mr. Flury will discuss this issue with Mr. Rimes and further deliberation will occur prior to issuing any statement.

I. Correspondence to the Board

#1. Email from Margaret M. Craig, Esquire, dated October 2, 2007, regarding Florida Gas Transmission Company

Ms. Craig was requesting the Board to issue a letter confirming their exemption from licensure requirements under Chapter 471, F.S. This would also address the fact their engineers are not required to be licensed. The problem occurred when the Water Management District required they sign and seal permits submitted to the district.

The Board has never issued letters confirming exemptions. It should be up to the permitting agencies to determine when they required signed and sealed documents. There may be occasions when the firm or person steps out of the exemption and in that case signing and sealing may apply.

Upon a motion by Mr. Burke seconded by Mr. Rose, the Board voted not to respond to the letter.

Mr. Flury will notify Ms. Craig of the Board's decision.

#2. Email from Lance Kinney, P.E., dated September 10, 2007 regarding Software Engineering.

Dr. Bauer will contact Mr. Kinney and will report back to the board at the December meeting.

- #3. Letter from Cliff Rise, Education Manager, American Society of Plumbing Engineers, dated August 21, 2007, regarding CEP status.

The Board voted to grant exempt status.

- #4. Letter from Peter Brett, P.E., Manager, Traffic Engineering Section for Hillsborough County dated August 9, 2007, regarding Documents requiring the Professional Engineer Seal.

The Board reviewed the correspondence and determined in general a Professional Engineer is responsible regarding design of the system, but not the ongoing traffic timing changes that are performed by field technicians. The Board determined the subject of the correspondence to be an operational issue. Staff should prepare a response to Mr. Brett and have Mr. Tomasino review the letter prior to mailing.

- #5. Letter from Panetlis Mourges, P.E., dated August 24, 2007, regarding Title “PE Retired” on business cards.

The Board reviewed the content of the letter. Mr. Mourges is a Retired PE from New York. He was requesting the Board to render an opinion on his ability to perform survey operation and maintenance of water cooled air conditioning systems installed in condominiums, for purposes of restoring systems performance to original design specifications. The Board directed staff to advise Mr. Mourges not to use the title “PE, Retired” on his business cards and to be cautious when performing any service that may be viewed as the practice of engineering.

- #6. Email from Stan Chrzanowski, P.E. re: Engineering Titles

Mr. Flury had asked staff to place this on the agenda so that clarification on the response can be confirmed. The Board advised Mr. Flury to respond with a recommendation to change the title as “Inspector” instead of “engineering inspector,” which is misleading.

J. Old Business

K. New Business

Mr. Burke advised the Board a phone call received from the Chair of the Professional Surveyors Board regarding concerns with Digital Terrain Model (DTM). This information is taken from surveying and engineering plans, downloaded into the machine for formulation. CADD technicians prepare the data gathered from the machine. The concern is with data gathered by persons

other than surveyors and engineers and accuracy of information provided and the affect on the final design product.

Mr. Geer indicated a problem other than with contractors performing this data collection. Surveyors also follow the same procedure.

In discussion it was determined that Mr. Tomasino should attend the meeting at such time as he receives notice from Mr. Burke as to date, time and location.

L. Public Forum

The meeting was recessed at 3:45 p.m on October 18, 2007.

## THURSDAY, October 18, 2007

The Chair welcomed the licensees attending for continuing education. He advised them to turn off their cell phones and that they must sign out upon conclusion for the meeting to receive credit.

- #1. Endorsement/Continuing Education Committee  
(Albert Rose, P.E., Chair)

Upon a motion by Mr. Rose seconded by Dr. Bauer, the Endorsement file for Stacy Fowler was approved.

- #2. Rules Report – Michael Flury, Assistant Attorney General, Counsel to the Board

Mr. Flury stated that Rule 61G15-20.006 will move forward once the Board approves the application developed in consultation between staff and the Educational Advisory Committee. Mr. Flury confirmed his continued efforts to work with JAPC on Rule 61G15-20.007.

- #3. Revision to Rules 61G15-20.001 and 61G15-20.007, FAC

In the application review held in September certain changes were agreed upon for Rule 61G15-20.001 and 20.007, F.A.C. The changes to these rules appear below.

### 61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

- (1) No change
- (2) “Board approved engineering programs” shall mean:
  - (a) No change
  - (b) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) above, and who either:
    1. ~~Holds a post baccalaureate degree from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level, or~~
    2. Holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant meets the educational requirements set forth in ~~can demonstrate substantial equivalency to an EAC/ABET accredited program pursuant to~~ subsection 61G15-20.007(1~~2~~), F.A.C., or
  - (c) No change

### 61G15-20.007 Demonstration of Substantial Equivalency.

- (1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET ~~shall be required to document substantial equivalency to an EAC/ABET accredited engineering program.~~
- (2) ~~In order to document and prove substantial equivalency to an EAC/ABET accredited engineering program, the applicant must demonstrate:~~

Upon a motion by Mr. Tomasino seconded by Dr. Bauer, the Board approved revisions to Rule 61G15-20.001 and Rule 61G15-20.007, FAC.

Mr. Burke discussed the rules that were amended and he expressed concern with the frequent basis for changes and the importance of all parties remaining informed.

- #4. Motion to Vacate/Set Aside/Modify Final Order – Joel H. Rosenblatt, P.E. and Rosenblatt-Naderi Associates, P.A.

Mr. Rimes advised that the Board issued a Final Order in April and Mr. Rosenblatt let his license lapse. The Board cannot modify the Final Order once ordered.

Upon a motion by Mr. Burke seconded by Mr. Rose the Final Order of the Board is valid and declined to Vacate/Set Aside the Final Order.

## **Part II Informal Hearing Agenda**

The Chair called on Dr. Bauer to outline the education required to sit for the Fundamentals examination. Dr. Bauer stated that applicants must hold an EAC/ABET accredited degree or be able to articulate requirements of Rule 61G15-20.007, F.A.C. through an evaluation of education by one of the Board approved evaluators. This process does not provide for review of technology degrees.

- L. Consideration of Petition for Formal Hearing

None.

- M. Informal Hearings on Denial of Application for Fundamentals Examination

- #1. Ricardo Lopez

Mr. Lopez was present for his hearing.

Mr. Lopez applied for the Fundamentals examination and was denied as he has failed the examination five times. Mr. Lopez submitted a transcript for 12 semester credit hours and upon review the Board did not approve

the Pre-Calculus and Trigonometry course. This leaves Mr. Lopez with a deficiency of 5 semester credit hours and failure to comply with Rule 61G15-21.007, F.A.C. Mr. Lopez requested a formal hearing and the file was copied to Board Counsel. After consultation, Mr. Flury received confirmation from Mr. Lopez to change the hearing from Formal to Informal and to schedule the Informal Hearing for the October Board meeting.

Mr. Lopez addressed the Board based on his interpretation he should be able to take the exam after failing five times. He took the required twelve credits and would like to sit for the exam.

Dr. Bauer advised that pre-calculus and trigonometry is not higher mathematics. He is still deficient five semester credit hours with appropriate remedial work to get him ready for the exam.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board upheld the denial.

#2. Ihab Ekladius

Mr. Ekladius was present for his hearing.

Mr. Ekladius was denied based on educational deficiencies. Mr. Ekladius holds a BS degree in engineering from Cairo University. Review of the evaluation of his undergraduate transcripts confirms a deficiency of 11.04 semester credit hours of Mathematics and Basic Sciences and 10.01 semester credit hours in Humanities and Social Sciences. Mr. Ekladius submitted a transcript from Valencia Community College of Orlando to clear the deficiencies and the Board determined he remained deficient as certain courses were not recognized as satisfying the requirement in mathematics and basic sciences.

Mr. Ekladius addressed the Board. He does not understand why Math 1 and Math 2 are not considered Calculus 1 and 2. Dr. Bauer advised him that they do not dispute the evaluator recommendations. The trigonometry course is not higher math. He is enrolled in differential math and will be finished in December 2007.

Upon a motion by Dr. Bauer and Mr. Burke, the Board voted to allow him to sit for FE in April pending timely submission of his transcripts, the certificate would be held until the Humanities and Social Sciences was completed and to work with Board staff. His file will remain open until the final transcripts are received.

#3. Jannek Cederberg

Mr. Cederberg was not present for his hearing.

Mr. Cederberg's application for the Fundamental Examination was denied back in 2004 for deficiencies of a second level course of study in Chemistry and/or Calculus based Physics and 11 semester credit hours in Humanities and Social Sciences. Mr. Cederberg completed classes at Florida International University and Miami Dade College and reapplied in June of 2007. The Board reviewed the transcripts submitted as part of the new application and determined the Humanities and Social Sciences satisfied. The transcripts submitted did not satisfy the requirement of a second level sequence course of study in Chemistry and/or Calculus based physics.

Mr. Cederberg submitted his Election of Rights to have an Informal Hearing. Mr. Cederberg submitted a letter requesting the Board reconsider his present coursework as satisfying the second level course of study in Chemistry or Calculus Based Physics.

Upon a motion by Dr. Bauer seconded by Dr. Hyder, the Board approved the application of Mr. Jannek Cederberg for the Fundamentals examination based on supplemental information confirming coursework in Chemistry and Calculus Board Physics.

#4. Angel Resto

Mr. Resto was present for his hearing. Mr. Resto passed the Fundamentals examination in Puerto Rico and subsequently applied for Engineer Intern by Endorsement in the State of Florida. He holds a Bachelor of Science degree and an MS degree in Engineering Management from Polytechnic University of Puerto Rico. As Mr. Resto did not hold an EAC/ABET accredited degree at the undergraduate level at the time of graduation and the application was denied.

Mr. Resto submitted his Election of Rights, electing to supplement and to have a Formal Hearing. Board Counsel reviewed the Petition for Formal and determined staff should place the Petition on the agenda, he would recommend denial of the Petition for Formal Hearing and the matter moved forward as an Informal Hearing.

The Board should uphold the denial of EI Certification by Endorsement and advise the applicant of the opportunity, when applying for the Principles and Practice examination, to have an educational evaluation to articulate requirements of Rule 61G15-20.007, F.A.C.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board denied the request for formal hearing.

Mr. Resto addressed the Board regarding his education and examinations from Puerto Rico. He understands the program was not accredited by EAC/ABET at the time of graduation. However, the program content was the same at the time of his graduation as when accredited. In discussion it was determined that he could have his transcripts evaluated and if determined to meet criteria of Rule 61G15-20.007, F.A.C. he could apply for the Principles and Practice examination providing he has the years of experience. In further discussion it was determined that Mr. Resto could seek the evaluation and depending on the outcome the Board would reconsider his EI Endorsement application. Based on this determination the following action was taken.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to continue his hearing until the December meeting until the evaluation is received.

#5. Matthew Smith

Mr. Smith was not present for his hearing.

Mr. Smith was denied based on educational deficiencies. Mr. Smith holds a Bachelor's degree from Germany. The Board determined that Mr. Smith was deficient 20.5 semester credit hours including a course in Probability and Statistics and 10 semester credit hours in Humanities and Social Sciences. At the Board's September Application Review, the Committee reviewed transcripts from Pasco-Hernando Community College. The Board determined that Mr. Smith remains deficient 8 semester credit hours in Math and Basic Science including a course in calculus based physics.

Mr. Smith has registered to take the courses and will be finished at the end of the year. Mr. Smith is requesting the Board to keep his present application file open until the February 2008 Board meeting to allow sufficient time to complete courses and submit transcripts to the Board office.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board voted to continue his hearing until the February 2008 meeting at which time he must have on file completed a transcript of the deficient courses.

N. Informal Hearings on Denial of Application for Principals and Practice Examination

#1. Ignamara Petrowicz

Ms. Petrowicz was present for her hearing.

Ms. Petrowicz applied to sit for the Principles & Practice examination. Her application was denied based on education. Ms. Petrowicz holds a

Bachelor Degree from Venezuela. The Board reviewed the evaluation of her undergraduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Ms. Petrowicz was determined to be deficient 10 semester credit hours in Humanities and Social Sciences.

Ms. Petrowicz submitted an Election of Rights form to supplement and to an Informal Hearing. The supplement submitted was an evaluation completed by ECEI. ECEI is no longer listed as an approved evaluator.

Ms. Petrowicz addressed the Board regarding her education and experience.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to deny her application based on 10 semester credit hour deficiency in Humanities and Social Sciences.

Mr. Tomasino was against the motion. A vote was called and it was recorded as a tie vote (3 to 3). The motion failed.

Upon a motion by Mr. Tomasino seconded by Mr. Rose, Ms. Petrowicz should receive credit for the Humanities and Social Sciences that were included in the Silny evaluation. Motion failed.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the hearing should be continued to the December Board meeting and before the meeting the application would be returned to the Educational Committee on November 14, 2007 for review of the entire file. The report from the Committee would be part of the December agenda.

#2. Mohammad Rashid

Mr. Rashid submitted an Election of Rights form to supplement and to have an Informal Hearing. Mr. Rashid was not present for his hearing.

In preparing this case for Informal Hearing, staff determined that Mr. Rashid applied to sit for the Principles & Practice examination and his application was reviewed for experience and education. Further review confirms the Notice of Denial was issued to Mr. Rashid for educational deficiencies and did not reference experience deficiencies. In consultation with Board Counsel it is determined to move forward with the Informal Hearing on the denial for education and advise the applicant of the need to verify four years of experience in any future application.

Regarding education, Mr. Rashid holds a Bachelor Degree from Bangladesh. The Board reviewed the evaluation of his undergraduate studies by Josef Siln & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Rashid was determined to be deficient 9

semester credit hours in Humanities and Social Sciences and 5.25 semester credit hours in Math and Basic Sciences.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board voted to uphold the denial of the application for Educational Deficiencies.

#3. Aydade Adeyefa

Mr. Adeyefa was not present for his hearing.

Mr. Adeyefa applied to sit for the Principles & Practice examination. His application was denied based on education. Mr. Adeyefa holds a Bachelor Degree from Nigeria and an MS degree from the University of South Carolina. The Board reviewed the evaluation of his undergraduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Adeyefa was determined to be deficient 13.25 a semester credit hours in Humanities and Social Sciences.

Mr. Adeyefa submitted an Election of Rights form to supplement and to have an Informal Hearing. He has been scheduled for the October Board meeting.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to uphold the denial.

#4. Boyd Jenkins

Mr. Jenkins was present for his hearing.

Mr. Jenkins applied to sit for the Principles & Practice Examination. His application was denied based on experience. Mr. Jenkins failed to evidence four years of acceptable engineering experience at the time of application, per Rule 61G15-20.002, F.A.C.

Mr. Jenkins submitted an Election of Rights form to have an Informal hearing and is requesting the Board to recognize more than 12 months prior to graduation based on experience history.

Mr. Jenkins believes he should be granted special consideration under the experience requirements. Mr. Jenkins original application required 30 months of experience and he had 48 months of experience and he worked while in college. Mr. Jenkins read letters from past and present employers.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the Board approved the application.

O. Informal Hearings on Denial of Application for Licensure by Endorsement

#1. B.M. Rubel Siddique

Mr. Siddique was not present for his hearing.

Mr. Siddique was licensed in Texas in 2006. Mr. Siddique passed the Fundamentals examination in Texas in 2003. Mr. Siddique passed the Principles and Practice examination in Texas in 2006. Mr. Siddique holds a BS in Civil Engineering from Bangladesh University and a Masters Degree in Civil Engineering from the University of Texas at Arlington. Mr. Siddique has evidenced four years of engineering experience. To supplement his education, Mr. Siddique has submitted a transcript from Palm Beach Community College and Indian River Community College.

Mr. Siddique's application is denied for educational deficiencies. Mr. Siddique holds a Bachelor of Science Degree in Civil Engineering from Bangladesh and a Masters Degree in Civil Engineering from the University of Texas at Arlington. The transcript evaluation of the undergraduate degree was reviewed by the Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code. It was determined that Mr. Siddique was deficient 10 semester credit hours in Math and Basic Sciences and 11 semester credit hours in Humanities and Social Sciences. Mr. Siddique submitted a transcript from Palm Beach Community College and the application was returned to the July Application Committee. Review of additional transcript revised the deficiencies from 10 to 7 semester credit hours in Math and Basic Sciences and from 11 to 2 semester credit hours in Humanities and Social Sciences.

In accordance with the Election of Rights the Informal Hearing was scheduled for the October Board meeting. Mr. Siddique does not evidence two years of licensure, which would allow waiving the Humanities and Social Sciences. The Board should review the latest transcript from Indian River Community College to determine if the deficiencies are satisfied.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board voted to continue Mr. Siddique's hearing to the December Board meeting. Prior to the December meeting, the application will be reconsidered by the Educational Advisory Committee to determine any and all deficiencies in education. The final report will be included in the December agenda as part of the continued hearing.

#2. George Murray

Mr. Murray was not present for his hearing.

Mr. Murray was licensed in Minnesota in 1997. Mr. Murray passed the Fundamentals examination in Texas in 1989. Mr. Murray passed the

Principles and Practice examination in Minnesota in 1997. Mr. Murray has provided evidence of four years of engineering experience.

Mr. Murray's application was denied for educational deficiencies. Mr. Murray holds a Bachelor of Science in Civil Engineering from the University of Liberia and a Masters Degree from the University of Texas. The Board determined Mr. Murray failed to evidence a course in Probability and Statistics. Mr. Murray submitted an Election of Rights form to supplement and to have an Informal Hearing that was held April 19, 2007. The Board granted a continuance to the October 2007 meeting to allow Mr. Murray time to complete a course in Probability and Statistics.

Mr. Murray has submitted a transcript from Georgia Perimeter College confirming completion of a course in Introduction to Statistics.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board approved the application.

#3. Sachin Butala

Mr. Butala was present for his hearing.

Mr. Butala was licensed in Texas in 2006. Mr. Butala holds a BS in Civil Engineering from India and a Masters Degree in Civil Engineering from Lamar University. Mr. Butala passed the Fundamentals examination in Texas in 2005. Mr. Butala passed the Principles and Practice examination in Texas in 2006. Mr. Butala has evidenced four years of engineering experience. Mr. Butala has submitted a transcript from Indian River Community College.

Review of the evaluation of Mr. Butala's application by the Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code, indicates a deficiency of 14.25 semester credit hours in Math and Basic Sciences and 16 semester credit hours in Humanities and Social Sciences. Review of the Masters Degree in Civil Engineering from Lamar University did not change the deficiencies.

Mr. Butala submitted his Election of Rights to supplement and to have an Informal Hearing. Mr. Butala is requesting the board's consideration to hold his file open until July 2008 to allow completion of additional courses. In making a decision to hold the file open, the Board should also review the present transcript from Indian River Community College to determine if the noted deficiencies should be amended.

The Board reviewed the latest transcript to determine if deficiencies were to be revised and to vote to have the file remain open until the continuance of the hearing for August 2008 Board meeting.

Mr. Butala addressed the Board. Mr. Butala advised that he has completed three hours in statistics and six hours in history and politics.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to keep the file open until August 2008 at which time final transcripts should be filed with the Board office to satisfy the remaining 11.25 hours of deficiency in mathematics and basic sciences and 10 hours in humanities and social sciences.

#4. Quazi Masood

Mr. Masood was present for his hearing.

Mr. Masood was licensed in Texas in 2006. Mr. Masood passed the Principles and Practice examination in Texas in 2006. Mr. Masood passed the Fundamentals examination in Georgia in 2003. Mr. Masood holds a BS from Bangladesh University of Engineering and Technology and a Masters Degree from Florida International University.

Mr. Masood's application was denied for educational deficiencies. The transcript evaluation was reviewed by the Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code. It was determined that Mr. Masood was deficient seven semester credit hours in Humanities and Social Sciences. Review of the MS transcript did not change the deficiency.

In response to the Notice of Denial, Mr. Masood submitted an Election of Rights to have an Informal Hearing.

Mr. Masood addressed the Board. Mr. Masood advised that he has been working as a Transportation Engineer for the past 12 years. He read for the Board a letter from his present employer. He would like to waive the requirement of the Humanities and Social Sciences. Mr. Flury advised that he would have to file a Petition for Variance and Waiver. Mr. Rebane explained the rules that the Board has to abide by and this instance is covered by Statute 471. Mr. Masood advised that he is not able to take the courses at this time. Dr. Bauer advised him that he can take CLEP courses and there are courses available on the Internet.

Upon a motion by Dr. Bauer seconded by Mr. Burke, to Board voted to uphold the denial of the application.

#5. Srikanth Mangalampalli

Mr. Mangalampalli was present for his hearing.

Mr. Mangalampalli was licensed in Ohio in 2006. Mr. Mangalampalli passed the Principles and Practice examination in Ohio in 2006. Mr. Mangalampalli passed the Fundamentals examination in Ohio in 2004. Mr. Mangalampalli holds a Bachelor of Technology from REC Warangal University, India and a Masters Degree from Southern Illinois University.

Mr. Mangalampalli's application was denied for educational deficiencies. The results of the educational evaluation to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code, indicates deficiencies of 10 semester credit hours in Humanities and Social Sciences and 11.8 semester credit hours in Math and Basic Sciences. Review of supplemental information submitted revised the deficiency in math and basic sciences from 11.8 to 7.12 the supplement did not revise the Humanities and Social Sciences.

In response to the Notice of Denial, Mr. Mangalampalli submitted an Election of Rights to have a Formal Hearing. Board counsel advised that Mr. Mangalampalli changed his election to an informal hearing.

Mr. Mangalampalli addressed the Board. He discussed the evaluation from CPEES. The Board advised him of the opportunity to apply for the College Level Equivalency Program. If he applies and can have a college or university accept the CLEP and issue final transcripts confirming the hours it would be accepted for a future application.

Upon a motion by Dr. Bauer seconded Mr. Rose to uphold the denial.

### **Part III Disciplinary Hearings**

**Mr. Rebane gave a description of the disciplinary process and explained the steps involved in a determination of Probable Cause.**

P. Settlement Stipulations

- #2. Carlos A. Muller, P.E.  
PE 20547  
FEMC Case Number 2005015397  
Probable Cause Panel: Matthews, Seckinger

The Miami-Dade County Building department filed this complaint after their investigation concluded Respondent had filed plans and certifications under a County amnesty plan which allowed Respondent's client to get a building permit for an existing structure that had been built without the required permit. Over much of 2002 Respondent prepared several certifications (which he considered to be preliminary although without any such disclaimer appearing on the certifications) stating the addition was in compliance with applicable code provisions. Apparently, the building officials accepted Respondent's submissions as part of the ongoing dialogue until January 2003 when a final certification and as-builts were filed and accepted. Then, in 2005, as a result of an inquiry, the building officials did a site visit and found that the actual on-site conditions were not as reflected in the drawings and the addition was not up to code. The complaint followed. Respondent did not respond to the complaint prior to the PCP meeting.

PCP was found and an AC issued charging negligence & fraud. The case was originally set as an informal hearing in December 2006 but when Respondent appeared it was determined that facts were in dispute and the BOPE, first by order in December 2006 and then by a revised order in May 2007 referred the matter to DOAH. In June 2007, Respondent filed a petition wherein which for the first time he agreed that due to illness he had not adequately assured that the contractor had built the addition project to code, thus confirming that the final certification and as-built plans were not correct. However, but he denied any intent to defraud advertent that he had been very ill in 2003 and really let his practice slide.

Stipulation provides for costs (\$156.00), \$2000.00 Fine, Probation for two years with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; submit a list of site designs for commercial (if done) and residential projects- completed by him at six (6)

and eighteen (18) month intervals for consultant review at Respondent's cost; and successfully complete the Board's study guide.

Appearance and discussion of practice.

Probable Cause Recommendation:

PCP Recommendation: Reprimand; \$6,000.00 administrative fine (six counts @ \$1,000 per count.); and one year suspension. After the suspension, Mr. Muller will be placed on two years probation; take a Board approved course in Engineering Professionalism and Ethics; and study guide. An appearance before the Board to explain how the project was so significantly different from his certification and plans.

It was requested that Mr. Muller be moved to first on the agenda due to health conditions. Mr. Muller provided a note from his doctor. Therefore, Mr. Muller's case was heard first.

Mr. Muller was sworn in prior to addressing the Board.

Mr. Burke was recused from this case due to the fact that he was on the Probable Cause Panel for this case.

Mr. Rebane asked Mr. Muller to address the board as to his current business practices and to explain how he intended to keep the problems he was having from reoccurring.

Mr. Muller indicated that he would be more conservative in his work and make no assumptions. He has already improved his system of checks and balances. He has decided that when his health is bad he will not accept work. He has learned from this experience. This case resulted from miscommunication with the client and he will make sure that there is no more miscommunication.

Mr. Rebane asked Mr. Muller whether in the current assignments he is taking, whether he is certifying that construction is complete at the end of construction, at the time of the CO.

Mr. Muller indicated that he was not doing that; what he was doing was supervising the design work only and signing and sealing the projects. He is not overseeing any construction right now; he is working only in the design phase. He does work for the county in other areas.

Mr. Rebane asked that if he agrees to observe construction, and his health does not permit him to go to a construction site, how he would fulfill his contractual obligations. Mr. Muller said that right now he is not overseeing construction of any kind. He works only in the design phase.

Mr. Rebane asked whether if Mr. Muller was required to perform inspections and provide certification to the building department at the completion of a project, and he was unable to do it at the time of the request, would he send another PE to perform the work.

Mr. Muller said that he would have to negotiate with whoever is going to approve the work, either the county or the owner. He has not yet encountered that situation, so he does not have the answer but that he would make sure everything turned out right.

Mr. Rebane suggested that if Mr. Muller was unable to verify it himself, that he engage the services of a PE that would do the certification. He strongly recommended that due to his history, Mr. Mueller not certify someone else's work.

Mr. Muller indicated that he believed that was good advice.

It was indicated that upon reviewing his files, it appears that the type of work he is doing is plan review for the county on traffic signals and that type of work. He asked Mr. Muller if that was what he was limiting his future work to.

Mr. Muller indicated that he perceived that as being the main part of his work.

Upon a motion by Mr. Rebane, seconded by Mr. Tomasino, the Board accepted the Settlement Stipulation.

- #1. Alfredo Carbonell, P.E.  
PE 14170  
FEMC Case Number 2004052898  
Represented by Violeta Longino, Esquire  
Probable Cause Panel: Matthews, Burke, Seckinger

Mr. Carbonell has been charged by an Administrative Complaint with four counts of negligence in the practice of engineering for designing a two-story new addition for an existing home. The design contained architectural, structural, electrical, mechanical and plumbing deficiencies.

After a request for a formal hearing was made, the Board and the Subject signed a settlement stipulation, which was rejected at the Board's December 2006 meeting, primarily for the Subject's nonappearance at that Board meeting.

The stipulation calls for a fine increase to \$2,000.00 from the original amount of \$1,000, a reprimand, two years probation with a plan review within 12 months of the Final Order being filed, a Board approved course in Engineering Professionalism and Ethics; study guide; and appearance

before the Board to explain how he will improve quality control and explain his understanding of the need to sign and seal only accurate and complete plans, or limit his signature as needed.

Neither Mr. Carbonell nor his attorney were present.

Prosecutor, Mr. Creehan, asked that the Stipulation be pulled from the agenda and sent for formal hearing.

Upon Motion by Dr. Bauer, seconded by Mr. Rose, the Board agreed to pull this matter from the agenda.

- #3. Andrew J. Morgan, P.E.  
PE 57171  
FEMC Case Number 2006067898  
Represented by Bruce Loren, Esquire

Mr. Morgan has been charged by Administrative Complaint with one count of engaging in negligence in the practice of engineering in relation to the Golden Bear Plaza project. Pursuant to a Final Order Approving Settlement Stipulation in Case Number 2004038064, Mr. Morgan agreed to submit for review a list of projects at six and 18 month intervals. Upon review, the Board Consultant noted deficiencies in both the calculations and drawings for the Golden Bear project.

Mr. Morgan had entered into settlement with FEMC for an administrative fine of \$1,000.00; a reprimand; probation for six months to run consecutive with Case Number 2004038064 with the terms that he submit a list of completed projects for review on July 20, 2007. This stipulation was presented to the FBPE at their June 2007 meeting in Tampa, FL. The Board had concerns about the reduction in the fine and the fact that the results of Morgan's January 2007 project review were not known at that time.

It has since been learned that Mr. Morgan's January 2007 project review (project submitted timely – delays with FEMC consultant) has been approved and as such all the terms of the prior probation have been met and that probation was terminated on July 20, 2007.

This current stipulation calls for an increased fine to \$2,000.00 dollars, a reprimand and a final project review at six months from the date the Final Order is filed.

Mr. Morgan was sworn in prior to addressing the Board.

Both Mr. Morgan and his attorney were present at the Board meeting.

Mr. Rebane asked whether Mr. Morgan wished to address the Board.

Bruce Loren, Counsel for Mr. Morgan, introduced himself to the Board. After that introduction, Mr. Morgan indicated that he was open to any questions of the Board.

Mr. Rebane asked the Board whether they had questions for Mr. Morgan. The Board did not.

Upon Motion by Mr. Burke, seconded by Mr. Rose, the Board accepted the Settlement Stipulation.

- #4. Julio C. Banks, P.E.  
PE 46544  
FEMC Case Numbers 2005048959, 2005014473 & 2006041480  
Represented by Diane S. Perera, Esquire  
Probable Cause Panel: Matthews, Burke, Seckinger

Case No. 20050004859: This investigation is predicated on the receipt of a complaint from Ted Schoppe, Senior Building Technician of Martin County Building Department, alleging that Mr. Banks signed, sealed, and dated a set of plans for the construction of a new residence that contained deficiencies.

Board Consultant Julian J. Garcia, P.E., reviewed the investigative file and opines that Mr. Banks design for the Lemasters Residence project contains structural and design deficiencies. Some of the deficiencies include, but not limited to: no information on the load capacity of the beams, details drawn to different scales or scales not provided, and the roof framing plan not dimensioned and missing gravity load values. In addition the four count Administrative Complaint has charges also included for the electrical and plumbing deficiencies and for failure to include his address on the drawings.

Case No 2005014473: This complaint came from Diane M. Lankford, Senior Building Technician for Martin County, also alleging that the Mr. Banks submitted plans for the construction of a new residence that contained engineering deficiencies.

Board Consultant Medhi Ashraf, P.E., reviewed the investigative file and opines that Mr. Banks design for the Scartozzi Residence project contains structural and design deficiencies. Some of those deficiencies include, but are not limited to: no specifications for the roof assembly, the wood and masonry used, no site plan showing the location of the building, and the location of the interior bearing walls and their foundation are not coordinated. The two-count administrative complaint filed against the Mr. Banks charged him with negligence in the practice of engineering and also charged with deficiencies in the architectural design.

Case No 2006041480: This complaint also came from Mr. Schoppe, from the Martin County Building Department, alleging that Mr. Banks, signed, sealed, and dated a set of plans for the construction of a new residence that contained deficiencies.

Board Consultant Scott Eddy, P.E., reviewed the investigative file and opines that Mr. Banks design for the Skyard project contains structural and design deficiencies. Some of those deficiencies include but are not limited to: no floor or load design criteria provided, no indication that the trusses are to be pre-engineered and the loads not shown, the W8 beam not being adequate, and the W10x15 beam not adequate enough to the point that it would fail under the assumed loads.

The one-count administrative complaint filed against Mr. Banks charged him with negligence in the practice of engineering. Mr. Banks waived probable cause on this case so as to resolve all outstanding cases with one stipulation.

The stipulation calls for Reprimand, \$6,000 administrative fine, costs of \$2,642.90, Respondent to be placed on two years probation with plan review at six and 18 months; Board approved course in Engineering Professionalism and Ethics; and study guide.

Mr. Burke was recused from this case due to the fact that he was on the Probable Cause Panel for this case.

Both Mr. Banks and his attorney were present.

Mr. Banks was sworn in prior to addressing the Board.

Mr. Rebane asked whether the Board had any questions for Mr. Banks.

Mr. Banks indicated that he was open to answer any questions regarding his character or professionalism, he was willing to participate.

Mr. Burke asked Mr. Banks what area of engineering Mr. Banks' practices.

Mr. Banks indicated that he had a Master's of Science degree in mechanical engineering with structural mechanics.

It was indicated that Mr. Banks was making the same mistakes over and over again. Is there a reason for this?

Mr. Banks said that if you look at the common factor, it's called Martin County.

Ms. Perera requested that she be able to address the Board in regard to Mr. Banks repeating the same mistakes and also to address Mr. Banks' comments. The circumstances in this case all arose from the same municipality. Mr. Banks was working with a contractor who had he worked with for a period of five years on about 20 or 30 similar projects. During that time period, there had never been a similar problem with any plans that were submitted to other municipalities. Mr. Perera hired her own expert to review the plans. Mr. Banks took the comments of the Board's consultant and his own consultant to heart, and since that time he has made changes and developed a relationship with an engineer who reviews his plans prior to submittal. Since he has begun this practice, he has submitted plans to Martin County and has had no problems with those plans. Mr. Banks has addressed the issues.

Mr. Rebane asked Mr. Banks what made him qualified to do architectural, HVCA, plumbing, electrical design.

Mr. Banks indicated that he did not engage in mechanical, plumbing, and electrical. What he has learned is that he should perform work on structures only. He has learned to keep his name out of portions of the construction drawings where he has no responsibility.

Mr. Rebane asked what qualifications the individual has who reviews Mr. Banks' work and why does he use that individual.

His name is Harvey Cohen and he is a registered architect and a professional engineer. He recently has taken Walter Karpinia under his wing, Mr. Karpinia appears in the agenda. He owned Pace 2000 for 20 years and is also a certified general contractor.

Mr. Rebane asked what the connection was to Walter Karpinia.

Mr. Banks indicated that during Mr. Karpinia's period of review, Mr. Cohen was supervising his work. That is the type of association he would have.

Upon Motion by Mr. Rose, seconded by Dr. Bauer, the Board accepted the Settlement Stipulation.

- #5. Oscar De Pineres, P.E.  
PE 52826  
FEMC Case Number: 2004052785  
Probable Cause Panel: Matthews, Burke, Seckinger

On November 28, 2006, an Administrative Complaint charged Mr. De Pineres with one count of misconduct for facilitating the use of his seal on hundreds of reports that were not prepared, produced or reviewed by him. After conducting an informal hearing at the Board's February 2006 Board

meeting, the Board entered a on Final Order April 13, 2006 imposing a 30-day suspension, a \$5,000 fine, costs of \$157.35, a one-year period of probation with two plan reviews, completion of a Board approved course on professionalism and ethics, and completion of the Board's Study Guide.

Mr. De Pineres decided to appeal the Final Order and after various motions by the Respondent and briefs filed by both parties, the Respondent lost his appeal on July 27, 2007.

Rather than abide by the terms of the Final Order, Mr. De Pineres has decided to voluntary relinquish his professional engineer's license. On September 8, 2007, he signed a settlement stipulation to that effect.

Mr. De Pineres was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepted the Settlement Stipulation for Voluntary Relinquishment of his license.

#6 Lars Dohm  
PE 11802  
FEMC Case Number: 2005057260  
Probable Cause Panel: Rebane Seckinger

A complaint was filed by Brian Foster, P.E. of Global Fire Engineering, Inc., alleging that Mr. Dohm signed and sealed a set of fire sprinkler plans for the Hidden Harbor Boat Storage Building (the Project). Mr. Foster is a third party fire sprinkler reviewer. Mr. Foster is also an FBPE Board Consultant. It was alleged that Mr. Dohm violated rule 61G15-32 F.A.C.

A response was received from Subject on November 22, 2005, in which he states that he became involved in the project after the original engineer died. Mr. Dohm offers, "The Hidden Harbor Marina project has been in the works for several years. I got involved with the project while I was working with Fire Protection Engineering Co. under Charles Seifert PE. The job was turned over to the technician, Randolph Reitz, who bitterly complained that he could not get the necessary data from the architect, John Bodziak." "Furthermore you should know that I resigned from this project before I was aware of the action by the Florida Board of Professional Engineers."

Mr. Foster states that based on his review, the plans fail to meet the requirements of Chapter 471 and the Rules, "the minimal criteria of a preliminary plan and certainly not the level of detail of a working drawing as defined by NFPA 13. The major design flaws include the use of sidewall sprinklers outside their listed use and the failure to protect the lower heads from overhead sprinkler water discharge, the improper sprinkler spacing and the failure to calculate the remote area. The general

lack of details prevents us from being able to fully review the hydraulic calculations. We question how the Engineer of Record was able to seal these plans, since it would have been impossible to review even the system hydraulics. Our recommendation is that these plans be returned to the engineer for a complete redesign and a subsequent resubmittal.”

The PCP reviewed the case and authorized the issuance of an Administrative Complaint which was filed on August 7, 2007. The Respondent, through counsel, felt that certain of the allegations were in error but agreed that the design did contain certain material flaws.

The PCP Recommendation was: Reprimand; \$2,000.00 administrative fine (\$1,000.00 per count for two counts); costs of \$175.50; suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; subject will be placed on two years probation with plan review at six and 18 months (Fire Protection selections if submitted); Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain the following: what his qualifications are for performing Fire Protection engineering, and what areas of practice his firm is practicing; his comments as to his association with a firm that was not licensed; and what steps he has taken to improve the quality control of his work.

The Subject has decided to voluntarily relinquish his professional engineer’s license effective 12/31/2007.

Mr. Dohm was not present at the Board meeting

Upon motion by Mr. Burke, seconded by Mr. Tomasino, the Settlement Stipulation was adopted with an effective date of December 31, 2007 for relinquishment of the license.

#7 J. S. Nagamia, P.E.  
PE 19241  
FEMC Case Number: 2005014450  
Probable Cause Panel: Rebane Seckinger

Because a request for continuance was filed due to a conflict, Mr. Rimes requested this case be continued to a future Board Meeting.

Upon motion by Dr. Bauer, seconded by Mr. Burke, the case is continued to the December Board meeting.

#8. Adalberto M. Pascual, P.E.  
PE 46747  
FEMC Case Number: 2007018522  
Probable Cause Panel: Matthews, Seckinger

On October 5, 2004, the Board of Professional Engineers issued a Final Order in Case Number 03-0130, that required Respondent, Adalberto M. Pascual, to submit a list of projects completed by him at six and 18 months from the date of the filing of the Final Order for a Board Consultant to review. Mr. Pascual's North Miami Station (2005) and Hammondville Station (2005) projects (the Projects) were selected for the initial project review. Respondent sealed, signed and dated all plans for all disciplines represented on the plans for the Projects. Due to the length of time for submission of the documents and the time to complete, the review Subject's probation ended on October 6, 2006. No tolling was provided for in the Final Order. This delay occurred because of the fact that several engineering disciplines were involved, which occasioned the need to seek a reviewer (Pistorino & Alam) that had the capacity to review all disciplines.

Petitioner's engineering consultants, Pistorino & Alam, Consulting Engineers, Inc., through various professional engineers in the employ of that firm, reviewed the plans for the Projects and submitted a summary report dated May 15, 2006, with accompanying comments on each of the engineering disciplines for which Mr. Pascual sealed, signed and dated plans for the Projects. There were significant departures from accepted engineering principles and lack of due care in the pages of the plans addressing the Electrical, Structural, Mechanical, Architectural, and Civil aspects of the Projects. Moreover, the portions of the plans addressing the Electrical, Structural, Mechanical, Architectural, and Civil aspects of the Projects did not comply with applicable building code requirements. The departures from accepted engineering principles, lack of due care, and failures to comply with applicable building codes were set out in full in the Pistorino & Alam comments to the May 15, 2006 summary report.

On July 20, 2006, Mr. Pascual filed a response to the comments contained in the May 15, 2006 summary report and comments. On February 16, 2007, Petitioner's engineering consultants, Pistorino & Alam, Consulting Engineers, Inc., through various professional engineers in the employ of that firm, submitted a final report to Petitioner. This report was compiled after the consultants' reviewed the plans for the Projects in light of the information contained in the July 20, 2006 response from Petitioner. The consultants maintained their conclusions that the plans for the Projects contained significant departures from accepted engineering principles and were not in compliance with building code requirements as to the Electrical, Structural, Mechanical, Architectural and Civil disciplines and the plans related thereto.

On May 17, 2007 the PCP found probable cause and an eight-count AC was issued. Mr. Pascual through counsel immediately sought to resolve the case on essentially the same terms as those approved by the PCP. On July, 16, 2007 a stipulation was signed and received.

The Stipulation provided as follows: Reprimand; \$4,000.00 administrative fine; no costs since none were incurred insofar as Respondent had already

paid for the review during the completed probationary term; Suspension of licensure, stayed if fine paid within 30 days of Final Order date; permanent restriction of practicing electrical and structural; Subject will be placed on two years probation with plan review at six and 18 months; and appearance before the Board to explain the following: with his previously self-imposed restrictions, what has he done to improve his mechanical and civil engineering skills; and who will he assign the electrical and structural tasks to.

On August 2, 2007 the above stipulation was presented to the Board which voted to reject it, offering a counter stipulation which included all other portions of the original stipulation but required imposition of an \$8000.00 fine and permanent restriction of Respondent's right to practice mechanical engineering in addition to electrical and structural.

After negotiation, the following is proposed: Reprimand; **\$8,000.00 administrative fine to be paid in installments**; no costs since none were incurred insofar as Mr. Pascual had already paid for the review during the completed probationary term; Suspension of licensure, stayed if fine paid within 30 days of Final Order date; permanent restriction of practicing electrical, structural and mechanical (except for mechanical systems covered by Rule 61G15-34.007, Fla. Admin. Code [plumbing]); Subject will be placed on two years probation with plan review at six and 18 months; no appearance was required since he was present at the August Board meeting.

Mr. Pascual was not present at the Board meeting.

Upon motion by Mr. Burke, seconded by Mr. Tomasino the Settlement Stipulation was adopted.

- #9. Rodrigo H. Cadavid, P.E.  
PE 39415  
FEMC Case Numbers 2004033481, 2004006472, 2004006473,  
2005011460, 2005031755  
Probable Cause Panel: Matthews, Burke, Seckinger

These complaints arose from complaints to Florida DBPR addressed to Mr. Cadavid's licenses as a Certified General Contractor, and as a Certified Pool Contractor. Four of the complaints stem from contracts to build pools in the name of Sunny Dreams Pools & Spas, Inc., an entity owned by Subject, for which he was the contractor qualifier. In each of the pool projects, Subject prepared engineering plans, and filed a permit application identifying himself as the engineer. Sunny Dreams does not have a Certificate of Authority. The plans for the pools were reviewed by Board consultants who found they contained engineering deficiencies as to structural and electrical details.

In Case No. 2005011460 the complaint arose from a contract to build a room addition on an existing house. The contract is in the name of

Roherca General Contractors Corporation, an entity owned by Cadavid for which he was the contractor qualifier. Cadavid prepared engineering plans and filed a permit application identifying himself as the engineer. Roherca also did not have a Certificate of Authority. The Board consultant found the plans for the room addition contained deficiencies as to structural details.

The projects in issue span a period from February 2002 to May 2005. Mr. Cadavid's license to practice engineering was delinquent from February 1, 2003 to June 30, 2004. On two of the projects, it is clear Subject signed and sealed plans during the period of delinquency.

In parallel cases, the Construction Industry Licensing Board revoked Subject's contractor's licenses on May 19, 2005, when Respondent failed to timely respond to the charges levied against him in that Administrative Complaint.

NOTE: The 2004 cases represent some of the oldest active cases in the FBPE Legal Department. In addition, Mr. Cadavid has been licensed for nearly 30 years and has no prior history of complaints or discipline pursuant to his tenure as a licensed professional engineer.

The Stipulation calls for a Reprimand, \$5,000 administrative fine, costs of \$2,587.50, subject to be placed on two years probation with plan review at six and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide and an appearance before the Board at the presentation of the stipulation.

Neither Mr. Cadavid nor his attorney were present at the Board meeting.

Upon motion by Mr. Rose, seconded by Mr. Hyder, the Board approved the Settlement Stipulation.

Q#1. Walter Karpinia, P.E.  
PE 46635  
FEMC Case Number 2007013218

On May 18, 2004, the Board of Professional Engineers filed its Final Order with the Florida Department of Business and Professional Regulation in Case Nos. 01-0015, 01-0044, 01-0045, 01-0172 and 02-0158, Florida Engineers Management Corporation v. Walter R. Karpinia, P.E. The Final Order permanently prohibited Respondent from practicing structural engineering until he passed the National Council of Examiners for Engineering and Surveying (NCEES) Structures I examination. Respondent has not passed the Structures I examination. On or about December 11, 2006, Respondent signed, sealed and dated plans for an addition to the LaValley residence which included the design for the structural system of the residence. On or about December 19, 2006, the plans were filed for an additions building for permit, which was assigned number 06-065894, by the Palm Beach County Planning, Zoning & Building Dept.

An Administrative Complaint was issued on July 20, 2007 which Respondent received and signed for on July 26, 2007. No response was filed within the 21 days required by the notice and election of rights. As a result, a Motion For Determination that Respondent has Waived Respondent's Right to an Administrative Hearing under the Provisions of Section 120.569, Florida Statutes, and the Entry of a Final Order as a Result of such Waiver was filed. No specific response was made to the Motion but a Response to the AC was filed by Respondent's counsel. Insofar as the AC Response was facially untimely, this case is being submitted to the Board upon the above Motion for Determination. No PCP Recommendation in light of fact that the case involves an alleged violation of Final Order.

Mr. Karpinia was not present at the Board meeting, but his attorney, Barry Taylor, Esquire was present.

On motion by Mr. Burke, seconded by Mr. Rose, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Mr. Burke, seconded by Mr. Rose, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint.

Mr. Taylor advised that there were mitigating circumstances. He indicated that Mr. Karpinia complied with every term and condition of the agreement except for taking and passing the structural 1. He took it at least four times. The first time was within weeks of entry of the order. Also, there appears to be a conflict as to what was on the screens of the FBPE website and Mr. Karpinia's interpretation as to whether his restriction was still in place. This is what caused the problem. An error was made as to whether his license was still restricted. "It is my understanding that he contacted someone at the Board and asked for clarification. He was told that he was clear when he wasn't. He paid the fines, took the classes, the exams, everything, he just couldn't pass the test," Mr. Taylor said.

Upon motion by Mr. Rebane, seconded by Mr. Burke, the Board revokes the license of Mr. Karpinia.

- #2. Kenneth Yurkovich, P.E.  
PE 57004  
FEMC Case Number 20070013396  
Probable Cause Panel: Matthews, Seckinger

Mr. Yurkovich has been charged by an Administrative Complaint on May 23, 2007, of one count of practicing engineering on a suspended license. Mr. Yurkovich signed a settlement stipulation on October 9, 2006, to resolve a charge of failing to abide by a prior stipulation. The October 9, 2006, stipulation called for Mr. Yurkovich's license to be suspended for a

period of six months. This stipulation was presented at the FBPE meeting in December 2006, and was approved by the Board at that time. Mr. Yurkovich was present at that Board meeting and was witness to its acceptance.

On December 14, 2006, the Final Order was filed and as such Yurkovich's license was officially suspended at that time. On December 19, 2006, the Respondent was served the Final Order alerting him to the suspension via certified mail at his address of record. On January 2, 2007, Mr. Yurkovich signed and sealed a project in Port Charlotte, Florida while suspended.

The one count Administrative Complaint charging Mr. Yurkovich with operating under a suspended license was served on him on June 4, 2007. He did not respond within the 21 days after service was affected and as such has waived his right to a formal administrative hearing.

Mr. Yurkovich was not present at the Board Meeting.

Upon motion Dr. Bauer, seconded by Mr. Burke, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Dr. Bauer, seconded by Mr. Burke, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint.

Upon motion by Mr. Rebane, seconded by Dr. Bauer, the Board revokes the license of Mr. Yurkovich.

- #3. Alberto Ribas, P.E.  
PE 14452  
FEMC Case Number 2005014604  
Probable Cause Panel: Rebane, Seckinger

On August 7, 2007, the Board of Professional Engineers filed an Administrative Complaint in Case No. 2005014604, against Alberto Ribas, P.E. for one count of negligence in the practice of engineering.

Specifically, the one count Administrative Complaint alleged that the on a residential design project in Coral Gables, FL, Mr. Ribas used calculations which appear to based on arbitrary assumptions, dimensions and loading.

In addition, the calculations used did not address the additional loading on the existing structure.

The Administrative Complaint was served on the Subject on September 8, 2007 by certified mail and the subject failed to request a formal hearing within 21 days.

Mr. Ribas was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint and adopt the PCP recommendation.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board determined that the Final Order should require appearance of Mr. Ribas at the December Board Meeting.

#4. Roy Aach, P.E.  
PE 18011  
FEMC Case Number 2007033164

On November 28, 2006, an Administrative Complaint charged Mr. Aach with a three-count Administrative Complaint that charged him with negligence in the practice of engineering, filing undated plans for the public record and for failure to complete the Building Code Core course. After an informal hearing was held, on March 13, 2007, the Board of Professional Engineers filed its Final Order in Case No. 2005014569, Florida Engineers Management Corporation v. Roy L. Aach, P.E.

The Final Order required Subject to pay an administrative fine of \$2,000.00, pay investigative costs of \$1,459.00 and successfully complete the Study Guide regarding the Engineering Practice Act prepared by the Board of Professional Engineers within 30 days of the Final Order being filed with the Board of Professional Engineers.

Subject has not paid the administrative fine, the investigative costs and has not successfully completed the Study Guide. Numerous unsuccessful attempts were made by Board staff to contact Subject to inquire as to if/when he would comply with the Order. As a result, on July 16, 2007, a one-count Administrative Complaint was filed against the Subject for violating any order of the board or department previously entered in a disciplinary hearing. This Administrative Complaint was served via publication on August 24, 2007, and the subject failed to request a formal hearing within 21 days.

Mr. Aach was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint.

Upon motion of Dr. Bauer, seconded by Mr. Rose, the Board revokes the license of Mr. Aach.

R. The meeting adjourned at 12:45 p.m.